Petitioners

3rd Councilmanic District Case No. 88-418-A Michael D. Walden, et ux

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a front yard setback to the centerline of the road of 75 feet in lieu of the required 100 feet and to amend the 3rd Amended Partial Development Plan of Lot #12 "Cross Creek Plat Two" to permit construction outside the building envelope, for a proposed dwelling, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was J. Finley Ransone, registered land surveyor. There were no Protes-

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 Md day of May, 1988 that a front yard setback to the centerline of the

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE April 13, 1988

MEMBERS

Department of

Bureau of Fire Prevention

Health Department

Project Planning

**Building Department** 

Board of Education

Zoning Administration

State Roads Commission

Mr. & Mrs. Michael D. Walden 10871 Sandringham Road Cockeysville, MD 21030

> Item No. 270 - Case No. 88-418-A Petitioner: Michael D. Walden, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Walden:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

JED:cer Enclosures

cc: J. Finley Ransone & Associates Registered Land Surveyors P.O. Box 10160

Towson, Maryland 21285-0160

road of 75 feet in lieu of the required 100 feet and to amend the 3rd Amended Partial Development Plan of Lot #12 "Cross Creek Plat Two" to permit construction outside the building envelope for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> Zoning Commissioner of Baltimore County

JRH:bjs

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 10s of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Manufacturing as follows:

Petition for Zoning Variance Case Number: 88-418-A NW/5 Cross Creek Court, 665 NE Philpot Road (8 Cross Creek Court) 10th Election District 3rd Councilmanic District Petitioner(s): Michael D. Wa

den, et us
Hearing Date: Monday
April 18, 1968 at 2:00 p.m.
Variance to permit a front yard
setback of 75 feet to the centerline of
the road in lieu of the required 100
feet and to amend the 3rd amended

partial development plan of Lot 12 "Crook Creek Plan Two" to allow

in the event that this Petition is

in the event that this Perison is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hear-

1. ROBERT HAINES

ryland as follows:

"DUPLICATE"

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 31, 19 85

THE JEFFERSONIAN,

\$37.50

Baltimore County Zoning Commissioner Office of Planning & Zoning

Towson, Maryland 21204

494-3353 J. Robert Haines

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

NOTICE OF HEARING

Petition for Zoning Variance Case Numbers B8-418-A NW/S Cross Creek Court, 885 NE Philpot Road (8 Cross Creek Court) 10th Election District - 3rd Councilments District Petitioner(e): Michael D. Walden, et ux HEARING SCHEDULED: MONDAY, APRIL 18, 1988 at 2:00 p.m.

Variance to permit a front yard setback of 75 feet to the centerline of the road in lieu of the required 100 feet and to assend the 3rd emended partial development plan of Lot 12 "Crook Creek Plan Two" to allow construction outside the building envelops.

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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	No.	47505	during this period for good ved in this office by the date
DATE 1/27/23 ACCOUNT	21-615		_
AMOUNT_\$ 55.00			_
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PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1A03-4-B-4 To permit a front yard set back of 75 feet to the centerline of the road in lieu of the required 100 feet and to amend the

to allow construction outside the building envelope. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Due to the severity of the Topography of this Lot the only area in Which to construct a dwelling that will meet the covenants, restrictions and economic standards of the neighborhood is as shown on the attached survey. The topography requires that the construction of any dwelling be parallell to the contour line of the ground. Construction of a dwelling perpendicular to the

contour's would require extensive grading of the Lot, placement of the dwelling

on controlled fill thereby causing severe economic and personal hardship on the

3rd amended partial development plan of Lot 12 of "Cross Creek Plat Two"

Property is to be posted and advertised as prescribed by Zoming Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the soming regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare and afficiently under the penalties of perjury, that I/we are the legal owner(s) of the property
Contract Dunchasses	which is the subject of this Petition.
Contract Purchaser:	Logal Owner(s): Wichael D. Walden
(Type or Print Name)	(Type or Print Name)
<u>G</u>	Michael D Walden 1000.
Signature	Signature
Address	Theresa M. Waldan N. 84
<b>3</b>	(Type or Print Name) W-2
City and State	Signature
Attorney for Petitioner:	
8	10671 Sandringham Read blob
(Type or Print Name)	Lucie 140°
Signature	Cockeysville WD 21030 City and State
C .	•
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
	J. Finley Ransone
City and State	Name Po. Rox 10160
Attorney's Telephone No.:	Address Phone No.
ORDERED Do Ma Partie of	1
ORDERED By The Zoning Commissioner	of Baltimore County, this day

Zoning Commissioner of Baltimore County.

Dennis F. Rasmussen

battimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

Mr. & Mrs. Michael D. Walden 10871 Sendringhem Read

Cockeyeville, Meryland 21030

Res Petition for Ioning Variance Case Number: 88-418-A NV/S Cross Creek Court, 885° NE Philpet Road (8 Cross Creek Court) 10th Election District - 3rd Councilmanic District P@titioner(s): Richael D. Walden, et ux

Dear Ar. & Are. Weldens

Please be advised that \_\_\_\_\_ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

HEARING SCHEDULED: MONDAY, APRIL 18, 1988 at 2:00 p.m.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it alone with the sign(s) and post(s) to the Zoning Office. County Office

ALTIMORE COUNTY, MARYLAND  FFICE OF FINANCE REVENUE DIVISION  AISCELLANEOUS CASH RECEIPT		50512	n and post set(s), there e for each set not
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VALIDATION OR SIGNATURE OF CASHIER

J. FINLEY RANSONE & ASSOCIATES REBISTERED LAND SURVEYORS P.O. 80x 10160 TOWSON, MARYLAND

655-7448

88-1118-A

21285-0160

ZONING DESCRIPTION NO. 8 CROSS CREEK COURT

Beginning on the northwest side of Cross Creck Court at the distance of 665.0 feet northeasterly from the center line of Philpot Road. Being Lot No. 12 in the subdivision known as Cross Creek Plat Two and recorded in Platbook No. 52, Folio 136. Also known as No. 8, Cross Creek Court in the Tenth Election District of Baltimore County, Maryland.

> CERTIFICATE OF PUSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Meryland

District 1074	Date of Posting 1/3/87
Parted for Verience	Wolderpeter
Location of property: NW/S CT	- ct.
Location of Stone Freing Cost Co	rest Cl. 6 Parely Fr. 480 July 84
property of Petitioner	
Posted by Signature	Date of return: 1/5/55
Number of Signet	

Office of **PATUXENT** 0750 Latie Palusers Play 19 88 April 6

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THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF REARING

was inserted in the following: Catonsville Times Arbutus Times

Towson Flier \$22.57 ☐ Reporter Weekly weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the day of April 19.88 that is to say, the same was inserted in the issues of

March 31, 1988

☐ Booster Weekly

Owings Mills Flier

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

March 2, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 269, 270, 271, 272, 273, 275, 276, 277 and 278.

Very truly yours

Michael S. Flanigan Traffic Engineer Associate II

MSF/pml-b



January 23, 1988

J. Robert Haines Zoning Commissioner of Baltimore County County Office Building - Room 106 Towson, Maryland 21204

Re: Petition for Zoning Variance Lot 12 of Subdivison Crosscreek Platbook No. 2, Folio 136 / 8 Crosscreek Court

Dear Sir:

The purpose of this letter is to provide support for the filed Petition for Zoning Variance as described above. This letter will describe the reasons for the requested variance and will provide documentation of support of the variance by neighbors who currently reside in the development.

## Reasons for the Requested Variance

- 1. Upon completion of a topographical study by J. Finley Ransone & Associates, Registered Land Surveyors, it has been determined that the slope of the lot is too restrictive to accommodate the building of a home that would suit both our requirements and the covenants of the development.
- The natural environment would be negatively impacted due to the removal of a large group of mature trees in the building site area proposed by the developer of the community.
- 3. The request to move the building line 25' closer to the street would not place the home any closer to a contiguous lot site.

## Documentation of Support by Neighbors

The attached list of property owners have been contacted, shown the preliminary house plan, shown the requested change in the set back line to 50' from 75', and have marked the document as acceptable or unacceptable.

I appreciate your attention to this matter and look forward to meeting with you during the process.

Michael D. Walden

PETITIONER'S
EXHIBIT 3

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL ROTECTION AND RESOURCE MANAGEMEN

Zoning Commissioner Office of Planning and Zoning

County Office Building Towson, Maryland 21204

Zoning Item # 270, Zoning Advisory Committee Meeting of February 9, 1988

Property Owner: Michael D. Walden et ux

Location: NW/5 Cross Creek Ct. 465' NE Philast Rd. District 10 private Water Supply \_ Sewage Disposal\_ COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a Building Fermit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.

( ) A permit to construct from the Bureau of Air Quality Hanagement is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more. ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of

Health and Mental Hygiene for review and approval. ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtanences pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau

of Regional Community Services, 494-3811. ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health. ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure/s, patitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner aust contact the Division of Waste Management at 494-3768. ( Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted.

) The results are valid until
) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required. ( Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled,

In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until 6/20/89.
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. ( Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

. ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

BUREAU OF WATER QUALITY AND RESOURCE

Property Owners of Crosscreek Subdivision Acceptance/Non-Acceptance Summary to Request for Variance

Name/Address	Date	Request Acceptable Non-Accept.
Harren) Bryne	1/23/88	acceptable
Crosscreen Court Phoenix, MD	1/30/87	acceptable
House No.s // Crosscreek Court Phoenix, MD .		
Crossfeek Court Phoenix, MD.	1-24-88	Cuptille
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House No.: / Crosscreek Court Phoenix, MD : Kenneth Abay	ии	η η
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House No.s Phoenix, MD ;		

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke February 4, 1988 J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Re: Property Owner: Michael D. Walden, et ux Dennis F. Rasmussen
County Executive Location: NW/S Cross Creek Ct. 665' NE Philpot Rd. Itam No.: 270 Zoning Agenda: Meeting of 2/9/88 Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department ( ) 2. A second means of vehicle access is required for the site. ( ) 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department. ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy. ( ) 6. Site plans are approved, as drawn. ( ) 7. The Fire Prevention Bureau has no comments of this time.

Design 152192 1,844 Sq. Pt. - Flow Flow 1.571 Sq. Ft. - Second Floor; 58,380 Cu. Ft. This is surely a fine adaptation from the 18th-Century when formality and elegance were bywords. The authentic detailing of this design centers around the fine proportions, the dentils, the window symmetry, the front door and entranceway, the massive chimneys and the masonry work. The rear elevation retains all the grandeur exemplary of exquisite architecture. The appeal of this outstanding home does not end with its exterior elevations. Consider the formal living room with its corner fireplace. Also, the library with its wall of bookshelves and cabinets. Further, the dining room highlights corner china cabinets. Continue to study this elegant plan.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines TO Zaning Commissioner Date\_\_\_\_April 1, 1988 P. David Fields FROM. Director of Planning and Zoning Zoning Petition Nos. 88-401-A,

88-415-A, 88-416-A, 88-430-A,

SURJECT\_ 88-431-SpHA, 88-435-A, 88-433-A

There are no comprehensive planning factors requiring comment on this

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

ZONING OFFICE

Ce: Michael Reidie, et uf

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this \_\_\_ day of Pubruary , 1988. Petitioner Michael D. Walden, et us Received by: Jame E. Dyor Chairman, Zoning Plans Advisory Committee



